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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Criminal Case No. 08CR1763-JLS
Plaintiff,	)	**RESPONSE AND OPPOSITION TO DEFENDANT'S MOTIONS:**
v.	)	**(1) TO COMPEL SPECIFIC DISCOVERY**
	)	**(2) FOR A BILL OF PARTICULARS**
SHEHADEH SAMIRA,	)	**(3) FOR LEAVE TO FILE FURTHER MOTIONS**
Defendant.	)	
	)	Date: July 11, 2008
	)	Time: 1:30 p.m.
	)	Court: The Hon. Janis L. Sammartino

COMES NOW the plaintiff, UNITED STATES OF AMERICA, by and through its counsel, United States Attorney, Karen P. Hewitt, and Assistant U.S. Attorney Caroline P. Han, and hereby files its Response and Opposition to Defendant's Motions to Compel Specific Discovery; For A Bill of Particulars; and For Leave to File Further Motions. This Response and Opposition is based upon the files and records of this case, together with the attached Statement of Facts, Memorandum of Points and Authorities, as well as the Government's Motion for Reciprocal Discovery.

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I

STATEMENT OF FACTS

The defendant entered the United States on July 27, 1996 on a B-2 tourist visa which allowed him to stay in the United States until January 27, 1997. He overstayed the visa, and later married a U.S. Citizen, Michelle Correa. He sought to adjust his status while married to the U.S. Citizen, and his application was denied for reasons that will be discussed below. In September 1997, the defendant submitted an Alien Petition and Adjustment of Status form (I-485). On September 30, 1997, the then Immigration and Naturalization Service (INS) received the defendant's I-485 form along with a Petition for Alien Relative form (I-130) submitted by Michelle Correa. On April 6, 1999, the defendant and Michelle Correa were interviewed by an INS officer regarding their pending I-485 and I-130 applications. At the interview, the defendant was instructed to provide supporting documentation in support of their contention that their marriage was bona fide.

Thereafter, the defendant submitted utility bills, photos, a car insurance statement, receipts from a furniture store, and joint bank statements. One of the submitted documents was a COMED bill dated October 20, 2000. The bill appeared to be altered, and COMED has verified that the account holder at the time was Walid Keswani. Moreover, Michelle Correa, has stated that she never subscribed to COMED while married to Samira. The defendant also submitted a receipt for a furniture store in the name of Shehadeh and Michelle Samira, 4861 N. Kilbourn Avenue, which was dated March 7, 1998. The furniture store has since confirmed that the invoice is fraudulent. Specifically, the invoice submitted by the defendant stated that the salesperson had been someone named Jerey Sommers, obviously misspelled. In addition, although the invoice was dated in 1998 on its face, the store has confirmed that the invoice was not issued in 1998. Moreover, the store was able to provide FBI agents with a copy of the original invoice, and it lists the purchaser as a person named Ishaq Sumaira, 7003 Wilson, #1D, Norridge, Illinois 60656, and was dated on March 24, 1995. Lastly, Michelle Correa has denied purchasing furniture at that store after being shown the altered invoice.

After adjudicating the defendant and Michelle Correa's applications, the INS issued a Notice of Decision to Deny the Alien Relative Petition and a Decisions on the Application for Adjustment for Permanent Residence in December 2000. The denial was issued based upon a belief that the marriage was fraudulent, which was based in part upon the fraudulent documents that the defendant submitted in support of his application. The decision on the I-130 (Petition for Alien Relative)[1] was sent to Michelle Samira, and the decision on the I-485 (Alien Petition and Adjustment of Status)[2] was sent to Shehadeh Samira at the same address, 4610 N. Kasson Ave, 2nd floor, Chicago, Illinois, 69630. Michelle Correa (Samira) was no longer residing with the defendant at the time, and never received the notice. Moreover, when shown the confirmatory receipt signature, she denied that the signature was hers. According to Cook County, Illinois records, the defendant and Michelle Correa's divorce was finalized in January 2001.

On July 12, 2002, the defendant married Elisabeth Novelo, also a United States citizen. On July 25, 2002, Elisabeth Novelo filed an I-130 form with the INS seeking to sponsor the defendant. The defendant submitted an accompanying I-485 form. On February 7, 2003, the applications were approved in error[3] and the defendant was eventually issued an I-551, a Lawful Permanent Resident Card. Thereafter, the defendant submitted an Application for Naturalization (N-400) form. The application was signed and submitted under penalty of perjury.

On April 6, 2006, the defendant was interviewed regarding his N-400 application by Richard Valadez, a CIS Adjudications Officer. Officer Valadez placed the defendant under oath and reviewed the N-400 with him. In addition, the defendant submitted identification, including his lawful permanent resident card which had been issued in error. Specifically, Officer Valadez confirmed some of the defendant's answers on the form. This is evidenced by the red check marks the officer placed next to the questions.

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[1] The decision on the I-130 explained that the reason for denying the petition was that fraudulent evidence was submitted in support of the application. The decision was addressed to Michelle Samira because she was the purported petitioner.

[2] The decision on the I-485 stated that the petition was denied because the I-130 had been denied.

[3] This prior denial issued in 2000 is a permanent bar to the defendant ever adjusting his status.

The N-400 form indicates that Officer Valadez asked question 23 of the defendant because the question has a check mark beside it. Question 23 asks, "Have you ever given false or misleading information to any U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion or removal?" The defendant's answer as submitted was no, and Officer Valadez checked off that answer as a question was that was asked and confirmed.

The "no" answer to question 23 was clearly erroneous because as discussed above, the defendant provided the fraudulent utility bill and furniture store receipt in support of his I-130 application and the accompanying I-485 application in 2000. It was based upon the submission of these fraudulent documents and additional investigation that the then INS denied the defendant's application.

On May 29, 2008 a grand jury handed up a three count indictment charging the defendant with Naturalization Fraud in violation of 18 U.S.C. §1015(a), Procuring Naturalization by Fraud in violation of 18 U.S.C. §1425(a), and Visa Fraud in violation of 18 U.S.C. 1546(a).

On May 30, 2008, the defendant was arrested, and he was arraigned on the indictment and pled not guilty on June 2, 2008 before Magistrate Judge Papas.

II

MOTION TO COMPEL SPECIFIC DISCOVERY AND PRESERVE EVIDENCE

To date, the Government has provided the defendant with 308 pages of discovery to the defendant, including copies of reports of investigation, witness statements, and copies of the defendant's immigration forms and the supporting documentation.

With respect to the defendant's discovery motions, the Constitution requires the Government to preserve evidence "that might be expected to play a significant role in the suspect's defense." California v. Trombetta, 467 U.S. 479, 488 (1984). To require preservation by the Government, such evidence must (1) "possess an exculpatory value that was apparent before the evidence was destroyed," and (2) "be of such a nature that the Defendant would be unable to obtain comparable evidence by other reasonably available means." Id. at 489; see also Cooper v. Calderon, 255 F.3d 1104, 1113-14 (9th Cir. 2001). The Government will make every effort to preserve evidence it deems to be relevant and material to this case. Any failure to gather and preserve evidence, however, would not violate due process absent bad faith by the Government that results in actual prejudice to the Defendant. See Illinois v. Fisher, 540 U.S. 544 (2004) (per curiam); Arizona v. Youngblood, 488 U.S. 51, 57-58 (1988); United States v. Rivera-Relle, 322 F.3d 670 (9th Cir. 2003); Downs v. Hoyt, 232 F.3d 1031, 1037-38 (9th Cir. 2000).

(1) Defendant's Statements – The Government recognizes its obligation, under Rules 16(a)(1)(A) and 16(a)(1)(B), to provide to the defendant the substance of the defendant's oral statements and defendant's written statements. (Unless otherwise noted, all references to "Rules" refers to the Federal Rules of Criminal Procedure.) The Government has produced all of the defendant's statements that are known to the undersigned Assistant U.S. Attorney at this date. If the Government discovers additional oral or written statements that require disclosure under Rule 16(a)(1)(A) or Rule 16(a)(1)(B), such statements will be promptly provided to Defendant.

(2) Arrest Reports, Notes, and Dispatch Tapes – The Government has provided the defendant with all known reports related to the defendant's arrest in this case. The Government is not aware of the existence of any dispatch tapes relevant to this case. The Government will continue to comply with its obligation to provide to the defendant all reports subject to Rule 16.

(3) Brady Material – The Government has and will continue to perform its duty under Brady v. Maryland, 373 U.S. 83 (1963) to disclose material exculpatory information or evidence favorable to the defendant when such evidence is material to guilt or punishment. The Government recognizes that its obligation under Brady covers not only exculpatory evidence, but also evidence that could be used to impeach witnesses who testify on behalf of the United States. See Giglio v. United States, 405 U.S. 150, 154 (1972); United States v. Bagley, 473 U.S. 667, 676-77 (1985). This obligation also extends to evidence that was not requested by the defense. Bagley, 473 U.S. at 682; United States v. Agurs, 427 U.S. 97, 107-10 (1976). "Evidence is material, and must be disclosed (pursuant to Brady), 'if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different.'" Carriger v. Stewart, 132 F.3d 463, 479 (9th Cir. 1997) (en banc). The final determination of materiality is based on the "suppressed evidence considered collectively, not item by item." Kyles v. Whitley, 514 U.S. 419, 436-37 (1995).

Brady does not, however, mandate that the Government open all of its files for discovery. See United States v. Henke, 222 F.3d 633, 642-44 (9th Cir. 2000) (per curiam). Under Brady, the United States is not required to provide: (1) neutral, irrelevant, speculative, or inculpatory evidence (see United States v. Smith, 282 F.3d 758, 770 (9th Cir. 2002)); (2) evidence available to the defendant from other sources (see United States v. Bracy, 67 F.3d 1421, 1428-29 (9th Cir. 1995)); (3) evidence that the defendant already possesses (see United States v. Mikaelian, 168 F.3d 380-389-90 (9th Cir. 1999) amended by 180 F.3d 1091 (9th Cir. 1999)); or (4) evidence that the undersigned Assistant U.S. Attorney could not reasonably be imputed to have knowledge or control over. See United States v. Hanson, 262 F.3d 1217, 1234-35 (11th Cir. 2001). Brady does not require the United States "to create exculpatory evidence that does not exist," United States v. Sukumolahan, 610 F.2d 685, 687 (9th Cir. 1980), but only requires that the Government "supply the defendant with exculpatory information of which it is aware." United States v. Flores, 540 F.2d 432, 438 (9th Cir. 1976).

The Government has no objection to the preservation of the agents' handwritten notes. See United States v. Harris, 543 F.2d 1247, 1253 (9th Cir. 1976) (agents must preserve their original notes of interviews of an accused or prospective government witnesses). However, the Government objects to providing the defendant with a copy of the rough notes at this time. The

Government is not required to produce the notes pursuant to the Jencks Act because the notes do not constitute "statements" (as defined 18 U.S.C. § 3500(e)) unless the notes (1) comprise both a substantially verbatim narrative of a witness' assertion, and (2) have been approved or adopted by the witness. United States v. Spencer, 618 F.2d 605, 606-07 (9th Cir. 1980). The notes are not Brady material because, as discussed further, the notes do not present any material exculpatory information or any evidence favorable to the defendant that is material to guilt or punishment. If, during a future evidentiary hearing, certain rough notes become particularly relevant, the notes in question will be made available to the defendant.

(4) Information That May Result in a Lower Sentence Under the Guidelines – The Government has provided and will continue to provide the defendant with all Brady material that may result in mitigation of the defendant's sentence. Nevertheless, the Government is not required to provide information bearing on the defendant' sentences until after the defendant' convictions or guilty pleas and prior to their sentencing dates. See United States v. Juvenile Male, 864 F.2d 641, 647 (9th Cir. 1988) (no Brady violation occurs "if the evidence is disclosed to the the defendant at a time when the disclosure remains in value").

(5) Defendant's Prior Record – The Government has provided the defendant with a copy of his known prior criminal record and, consequently, has fulfilled its duty of discovery under Rule 16(a)(1)(D). See United States v. Audelo-Sanchez, 923 F.2d 129 (9th Cir. 1990). To the extent that the Government determines that there are any additional documents reflecting the defendant's prior criminal record, the Government will provide those to the defendant.

(6) 404(b) Evidence – The Government will disclose in advance of trial the general nature of any "other bad acts" evidence that the United States intends to introduce at trial pursuant to Fed. R. Evid. 404(b). Evidence should not be treated as "other bad acts" evidence under Fed. R. Evid. 404(b) when the evidence concerning the other bad acts and the evidence concerning the crime charged are "inextricably intertwined." See United States v. Soliman, 812 F.2d 277, 279 (9th Cir. 1987).

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(7) Evidence Seized – The Government has complied and will continue to comply with Rule 16(a)(1)(E) in allowing the defendant an opportunity, upon reasonable notice, to examine, inspect, and copy all evidence seized that is within its possession, custody, or control, and that is either material to the preparation of the defendant's defense, or is intended for use by the Government as evidence during its case-in-chief at trial, or was obtained from or belongs to the defendant.

(8) Tangible Objects – The Government has complied and will continue to comply with Rule 16(a)(1)(E) in allowing Defendant an opportunity, upon reasonable notice, to examine, inspect, and copy tangible objects that are within its possession, custody, or control, and that is either material to the preparation of the defendant's defenses, or is intended for use by the Government as evidence during its case-in-chief at trial, or was obtained from or belongs to the defendant. The Government need not, however, produce rebuttal evidence in advance of trial. United States v. Givens, 767 F.2d 574, 584 (9th Cir. 1984).

(9) Expert Witnesses – The Government will comply with Rule 16(a)(1)(G) and provide the defendant with a written summary of any expert testimony that the United States intends to use during its case-in-chief at trial under Rules 702, 703, or 705 of the Federal Rules of Evidence.

(10) Evidence of Bias or Motive to Lie – The Government recognizes its obligation under Brady and Giglio to provide evidence that could be used to impeach Government witnesses including material information regarding demonstrable bias or motive to lie.

(11) Impeachment Evidence – As previously discussed, the Government recognizes its obligation under Brady and Giglio to provide material evidence that could be used to impeach Government witnesses.

(12) Evidence of Criminal Investigation of Any Government Witness – As noted above, the Government objects to providing any evidence that a prospective witness is under criminal investigation, but will provide the conviction record, if any, which could be used to impeach all witnesses the Government intends to call in its case-in-chief.

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(13) Evidence Affecting Perception, Recollection, Ability to Communicate, or Truth Telling – The Government recognizes its obligation under Brady and Giglio to provide material evidence that could be used to impeach Government witnesses including material information related to perception, recollection, ability to communicate, or truth telling. The Government strenuously objects to providing any evidence that a witness has ever used narcotics or other controlled substance, or has ever been an alcoholic because such information is not discoverable under Rule 16, Brady, Giglio, Henthorn, or any other Constitutional or statutory disclosure provision.

(14) Witness Addresses – The Government has already provided the defendant with the reports containing the names, work addresses, and telephone numbers of the special agents involved in this case. In its trial memorandum, the Government will provide the defendant with a list of all witnesses whom it intends to call in its case-in-chief, although delivery of such a witness list is not required. See United States v. Discher, 960 F.2d 870 (9th Cir. 1992); United States v. Mills, 810 F.2d 907, 910 (9th Cir. 1987). The Government strenuously objects to providing the home addresses to the defendant. In non-capital cases, the Government is not even required to disclose the names of its witnesses prior to trial. United States v. Dishner, 974 F.2d 1502, 1522 (9th Cir 1992); (citing United States v. Steel, 759 F.2d 706, 709 (9th Cir. 1985)); United States v. Hicks, 103 F.23d 837, 841 (9th Cir. 1996); see also United States v. Bejasa, 904 F.2d 137 (2d Cir. 1990) (holding that United States did not improperly deny the defendants access to government witnesses whose telephone numbers and addresses the government refused to provide because the defendant knew the identities of the government witnesses and presumably knew their telephone numbers or could have contacted them through the exercise of due diligence).

(15) Name of Witnesses Favorable to the Defendant – The Government is not aware of the names of any witnesses favorable to the defendant's case. If the Government discovers any witnesses favorable to the defendant, the names of such witnesses will be promptly provided.

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(16) Jencks Act Material – Rule 26.2 incorporates the Jencks Act, 18 U.S.C. §3500, into the Federal Rules of Criminal Procedure. The Jencks Act requires that, after a Government witness has testified on direct examination, the Government must give the defendant any "statement" (as defined by the Jencks Act) in the Government's possession that was made by the witness relating to the subject matter to which the witness testified. 18 U.S.C. §3500(b). For purposes of the Jencks Act, a "statement" is (1) a written statement made by the witness and signed or otherwise adopted or approved by her, (2) a substantially verbatim, contemporaneously recorded transcription of the witness's oral statement, or (3) a statement by the witness before a grand jury. 18 U.S.C. §3500(e). If notes are read back to a witness to see whether or not the government agent correctly understood what the witness was saying, that act constitutes "adoption by the witness" for purposes of the Jencks Act. United States v. Boshell, 952 F.2d 1101, 1105 (9th Cir. 1991) (citing Goldberg v. United States, 425 U.S. 94, 98 (1976)).

(17) Giglio Information and Agreements Between the Government and Witnesses An agreement that the Government makes with a witness for testimony in exchange for money or in exchange for favorable treatment in the criminal justice system is generally subject to disclosure as impeachment evidence under Brady and Giglio. See United States v. Kojayan, 8 F.3d 1315, 1322-23 (9th Cir. 1993); Benn v. Lambert, 238 F.3d 1040, 1054-60 (9th Cir. 2002). As stated above, the Government will provide any Giglio information in connection with this case no later than two weeks prior to trial.

(18) Informants and Cooperating Witnesses – At this time, the Government is unaware of a confidential source or informant involved in this case. The Government must generally disclose the identity of informants where (1) the informant is a material witness, or (2) the informant's testimony is crucial to the defense. Roviaro v. United States, 353 U.S. 53, 59 (1957). If there is a confidential informant involved in this case, the Court may, in some circumstances, be required to conduct an in-chambers inspection to determine whether disclosure of the informant's identity is required under Roviaro. See United States v. Ramirez-Rangel, 103 F.3d 1501, 1508 (9th Cir. 1997). Should the Government become aware of an information or confidential source being involved in this case, we will make it known to the defendant.

(19) Bias by Informants or Cooperating Witnesses – As discussed above, the Government is unaware of any informants or cooperating witnesses in this case.

(20) A-File

The United States does not object to setting up a viewing of the discoverable portion of the defendant's A-file at a time that is mutually convenient for the parties. However, the United States objects to providing the defendant with the entire A-file as the defendant has requested in his motion because as the defendant is aware, the A-file contains attorney work product and other information that is not discoverable information. This information is equally available to Defendant through a Freedom of Information Act request. Even if Defendant could not ascertain the A-File through such a request, the A-File is not Rule 16 discoverable information. The A-File contains information that is not discoverable like internal government documents and witness statements. See Fed. R. Crim. P. 16(a)(2). Witness statements would not be subject to production until after the witness for the United States testifies and provided that a "motion" is made by Defendant. See Fed. R. Crim. P. 16(a)(2) and 26.2. Thus, the A-File associated with Defendant need not be disclosed. The United States will produce documents it intends to use in its case-in-chief. Evidence is material under Brady only if there is a reasonable probability that had it been disclosed to the defense, the result of the proceeding would have been different. See United States v. Antonakeas, 255 F.3d 714, 725 (9th Cir. 2001). However, Defendant has not shown how all of the documents, to which he has requested access, in the A-File are material. Finally, Defendant does not own the A-File. It is an agency record. Cf. United States v. Loyola-Dominguez, 125 F.3d 1315 (9th Cir. 1997) (noting that A-File documents are admissible as public records).

(21) Residual Request – The Government has already complied with the defendant's residual request for prompt compliance with the defendant's discovery requests.

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III

MOTION FOR LEAVE TO FILE ADDITIONAL MOTIONS

The Government does not object to the granting of leave to file further motions as long as the further motions are based on newly discovered evidence or discovery provided by the Government subsequent to the instant motion at issue.

IV

MOTION FOR A BILL OF PARTICULARS

The defendant has moved this Court to order the United States to produce a bill of particulars. The United States objects to this motion because there is no need for it in this particular case. The purpose of a bill of particulars is " 'to inform the defendant of the nature of the charge against him with sufficient precision to enable him to prepare for trial, to avoid or to minimize the danger of surprise at the time of trial, and to enable him to plead his acquittal or conviction in bar of another prosecution for the same offense when the indictment itself is too vague, and indefinite for such purposes.' " United States v. Giese, 597 F.2d 1170, 1180 (9th Cir. 1979) (citing United States v. Birmley, 529 F. 2d 103, 108 (6th Cir. 1976). In this case, the indictment informs the defendant of the charges against him. That is, the indictment clearly states that the defendant answered wrongly to question 23 on the defendant's N-400. The United States has discovered the N-400 form, and it states that his answer to the question was no. Thus, the United States contends that in fact, the defendant's answer to the question would have been truthfully answered by a yes answer to the question. As such, it is clear that in order to prove that the defendant did not truthfully answer the question, then the United States undertakes the burden to prove that the defendant gave false or misleading information while applying for an immigration benefit.

Moreover, the United States has provided the defendants with over 300 pages of discovery which includes copies of reports from the case agents and other investigating agents that detail the interviews that they conducted and the supporting documentation which evidence the fraudulent nature of the statements that the defendant made. That is, the United States has discovered the defendant's original 1997 immigration applications, copies of the fraudulent documents that the defendant submitted in support of that application, and the current N-400 form that is pending before the Citizenship and Immigration Service, as well as the reports of investigation that detail the United States' theory of the case. All of this evidence sets forth the same information that is set forth in the factual basis of this motion. Based upon this full discovery,[4] the defendant has been informed of the charges against him, the breadth of the evidence against him such that there will not be any surprises for him at trial, and as such, this is not a case where a bill of particulars is appropriate. Id.; United States v. Mitchell, 744 F.2d 701, 705 (9th Cir. 1984). Instead, it appears that the defendant is simply seeking additional information on which witnesses the United States will call at trial and what specific items the United States will use at trial. The defendant is not entitled to that information at this time. Instead, the United States will file a trial memorandum prior to trial, and will include the names of the witnesses that the United States intends to call and the evidence the United States intends to introduce at trial such that the defendant will be apprised of the information against which he must defend himself. United States v. Hernandez, 352 F.2d 240, 240 (9th Cir. 1965).

V

GOVERNMENT'S MOTION FOR RECIPROCAL DISCOVERY

(1) All Evidence That The Defendant Intend To Introduce In Their Cases-In-Chief

Since the Government will honor the defendant's requests for disclosure under Rule 16(a)(1)(E), the Government is entitled to reciprocal discovery under Rule 16(b)(1). Pursuant to Rule 16(b)(1), requests that the defendant, photographs, tangible objects, or make copies or portions thereof, which are within the possession, custody, or control of the defendant and which the defendant intend to introduce as evidence in his case-in-chief at trial.

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[4] While the nature of Michelle Correa's statements have been discovered to the defendant in the form of reports of her interviews by the case agents, the United States has yet to discover her grand jury testimony to the defendant. However, the United States understands its discovery obligation and will continue to comply with it. As such, the United States will discover her grand jury testimony and any other discoverable information to provide the defendant with sufficient time to prepare for trial.

The Government further requests that it be permitted to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, which are in the possession and control of the defendant, which they intend to introduce as evidence-in-chief at the trial, or which were prepared by a witness whom the defendant intend to call as a witness. The Government also requests that the Court make such order as it deems necessary under Rules 16(d)(1) and (2) to ensure that the Government receives the reciprocal discovery to which it is entitled.

(2) Reciprocal Jencks – Statements By Defense Witnesses (Other Than The Defendant)

Rule 26.2 provides for the reciprocal production of Jencks material. Rule 26.2 requires production of the prior statements of all witnesses, except a statement made by the defendant. The time frame established by Rule 26.2 requires the statements to be provided to the Government after the witness has testified. However, to expedite trial proceedings, the Government hereby requests that the defendant be ordered to provide all prior statements of defense witnesses by a reasonable date before trial to be set by the Court. Such an order should include any form in which these statements are memorialized, including but not limited to, tape recordings, handwritten or typed notes and reports.

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VI

CONCLUSION

For the foregoing reasons, the Government requests that the Court deny the defendant's motions, except where unopposed, and grant the Government's motion for reciprocal discovery.

DATED: July 4, 2008

Respectfully submitted,

KAREN P. HEWITT
United States Attorney

/s/ *Caroline P. Han*
CAROLINE P. HAN
Assistant United States Attorney
Attorneys for Plaintiff
United States of America

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. SHEHADEH SAMIRA, Defendant.	Criminal Case No. 08CR1763-JLS CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, Caroline P. Han, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

I am not a party to the above-entitled action. I have caused service of **RESPONSE AND OPPOSITION TO THE DEFENDANT'S MOTIONS FOR DISCOVERY, A BILL OF PARTICULARS, AND FOR LEAVE TO FILE MOTIONS** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them:

Andrew Nietor
Attorney for the defendant

I hereby certify that I have caused to be mailed the foregoing, by the United States Postal Service, to the following non-ECF participants on this case:

None

the last known address, at which place there is delivery service of mail from the United States Postal Service.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 4, 2008.

/s/ *Caroline P. Han*

CAROLINE P. HAN